



PATENT  
Attorney Docket No. KAP 101 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
)  
Aaron V. Kaplan, M.D., et al )  
)  
Serial No.: 10/002,329 )  
)  
Filed: November 1, 2001 )  
)  
Group Art No.: 3763 )  
)  
Examiner: Not yet Assigned )  
)  
For: METHODS AND APPARATUS FOR )  
PERICARDIAL ACCESS )

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b> "Express Mail" Mailing Label No.: <u>EL845497803US</u> Date of Deposit <u>January 24, 2002</u> I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Office of Initial Patent Examination's Customer Service Center, Assistant Commissioner for Patents, Washington, D.C. 20231 NAME <u>Jeannie Rapstad</u> SIGNATURE <u>Jeannie Rapstad</u>	
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Request for Corrected Filing Receipt

Office of Initial Patent Examination's  
Customer Service Center  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

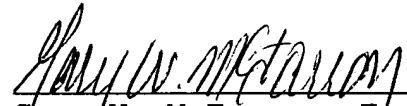
In the above application the total number of independent claims was incorrectly entered as one independent claim. Please correct the application to list two independent claims, as indicated on the enclosed Fee Transmittal Form (PTO/SB/17), which was filed with the application on November 1, 2001. The two independent claims are claims 16 and 21. A preliminary amendment is being submitted herewith to clarify that claim 21 is an independent claim.

It is believed that no fee is associated with this request. However, if any fee is due the Examiner is hereby authorized to charge Deposit Account No. 50-1039.

Respectfully submitted,

Date: January 24, 2002

By:

  
\_\_\_\_\_  
Gary W. McFarron, Esq.  
Registration No. 27,357  
Cook, Alex, McFarron, Manzo,  
Cummings & Mehler, Ltd.  
200 West Adams St., Suite 2850  
Chicago, IL 60606  
Telephone: (312) 236-8500

Attorneys for Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 1  
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JAN 02 2002COOK, ALEX  
COMMISSIONER FOR PATENTS,  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/002,329	11/01/2001	3763	370	KAP 101 DIV	4	6	1 2

Cook, Alex, McFarron, Manzo, Cummings & Mehler  
Suite 2850  
200 West Adams Street  
Chicago, IL 60606CONFIRMATION NO. 6187  
FILING RECEIPT

\*OC000000007227591\*

Date Mailed: 12/21/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Aaron V. Kaplan, Los Altos, CA;  
Jordan T. Bajor, Palo Alto, CA;  
Nubar S. Manoukian, Cupertino, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/397,392 09/16/1999

## Foreign Applications

If Required, Foreign Filing License Granted 12/21/2001

Projected Publication Date: To Be Determined - pending completion of Omitted Items

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Methods and apparatus for pericardial access

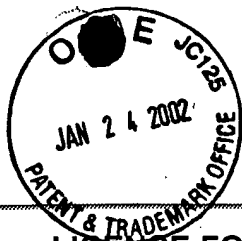
Preliminary Class

*General Vascular Appl.*

CLASS	KAP 101 DIV
EXAM	6WU/RCL
EXAMINER	gmc
REVIEWED BY	ATL
DATE FILED	01/21/02

*Omitted Items due (non-extensible) 01/21/02*

604



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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number  
Filing Date  
First Named Inventor Aaron V. Kaplan  
Examiner Name  
Group Art Unit  
Attorney Docket No. KAP 101 DIV

TOTAL AMOUNT OF PAYMENT

\$370.00

**COPY**

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																							
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number <b>50-1039</b></p> <p>Deposit Account Name <b>Cook, Alex, McFarron et al.</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR § 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Small Entity Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65 Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25 Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130 Non - English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520 For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920* Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840* Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55 Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200 Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460 Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720 Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980 Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160 Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160 Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140 Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510 Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55 Petition to revive - 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<p>**or number previously paid, if greater; For Reissues, see above</p>		<p>*Reduced by Basic Filing Fee Paid</p> <p>SUBTOTAL (3)</p>																																																																																																																																																							

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Gary W. McFarron	Registration No. (Attorney/Agent)	27,357
Signature	<i>Gary W. McFarron</i>	Telephone	312-236-8500
		Date	11/01/2001

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/002,329	11/01/2001	Aaron V. Kaplan	KAP 101 DIV

Cook, Alex, McFarron, Manzo, Cummings & Mehler  
Suite 2850  
200 West Adams Street  
Chicago, IL 60606



CONFIRMATION NO. 6187

## FORMALITIES LETTER



\*OC000000007227592\*

Date Mailed: 12/21/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 7B described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice MUST be returned with the reply.*



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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/002,329	
	Filing Date	November 1, 2001	
	First Named Inventor	Aaron V. Kaplan, M.D., et al.	
	Group Art Unit	3763	
	Examiner Name	Not yet Assigned	
Total Number of Pages in This Submission	19	Attorney Docket Number	KAP 101 DIV

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s) 1 sheet plus Sketch with Corrections	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply (Preliminary)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. Gary W. McFarron, Esq. (Reg. No. 27,357)
Signature	<i>Gary W. McFarron</i>
Date	January 24, 2002

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: )  
 )  
Aaron V. Kaplan, M.D., et al )  
 )  
Serial No.: 10/002,329 )  
 )  
Filed: November 1, 2001 )  
 )  
Group Art No.: 3763 )  
 )  
Examiner: Not yet Assigned )  
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For: METHODS AND APPARATUS FOR )  
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1. Transmittal Form PTO/SB/21 (1 sheet);
2. Request for Corrected Filing Receipt (in duplicate, 4 sheets total);
3. Copy of Filing Receipt with corrections (2 sheets);
4. Copy of Fee Transmittal PTO/SB/17 (1 sheet);
5. Response and Preliminary Amendment with Marked-Up Version of the Specification and Claim 21 (6 sheets total);
6. Copy of Notice of Omitted Items dated 12/21/01 (2 sheets);
7. Corrected Drawing and Sketch showing drawing corrections (2 sheets); and
8. Return Receipt Postcard.

Signed:

*Jeannie Rapstad*  
Jeannie Rapstad